House Engrossed Senate Bill

FILED KEN BENNETT SECRETARY OF STATE

State of Arizona Senate Fiftieth Legislature First Regular Session 2011

CHAPTER 307

SENATE BILL 1373

AN ACT

AMENDING SECTIONS 23-775, 28-2409 AND 41-608.04, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 3, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-609; AMENDING SECTION 41-611, ARIZONA REVISED STATUTES; AMENDING LAWS 2010, CHAPTER 254, SECTION 2; RELATING TO MILITARY SERVICE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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 Be it enacted by the Legislature of the State of Arizona: Section 1. Section 23-775, Arizona Revised Statutes, is amended to read:

23-775. <u>Disqualification from benefits</u>

An individual shall be disqualified for benefits:

- 1. For the week in which the individual has left work voluntarily without good cause in connection with the employment, and in addition to the waiting week, for the duration of the individual's unemployment and until the individual has earned wages in an amount equivalent to five times the individual's weekly benefit amount otherwise payable. If a person leaves because of transportation difficulties, the individual shall be disqualified unless the individual can show the individual's travel requirements are in excess of the normal practice in the individual's occupation and past practice or that the individual has compelling personal circumstances requiring the individual's leaving. Compelling personal circumstances shall include but are not limited to a showing of any of the following:
 - (a) Over thirty miles distance from the individual's home to work.
 - (b) More than one and one-half hours to reach work.
- (c) A SPOUSE OR UNEMANCIPATED MINOR LEAVING WORK TO ACCOMPANY THE OTHER SPOUSE OR A PARENT WHO IS A MEMBER OF THE ARMED SERVICES AND WHO IS TRANSFERRED TO ANOTHER LOCALITY AS A RESULT OF OFFICIAL ORDERS.
- 2. For the week in which the individual has been discharged for wilful or negligent misconduct connected with the employment, and in addition to the waiting week, for the duration of the individual's unemployment and until the individual has earned wages in an amount equivalent to five times the individual's weekly benefit amount otherwise payable.
- 3. For any week with respect to which or a part of which the individual has received or is seeking unemployment benefits under an unemployment compensation law of another state or of the United States, but if the appropriate agency of the other state or of the United States finally determines that the individual is not entitled to unemployment benefits, the ineligibility shall not apply.
- 4. For the week in which the individual becomes unemployed and for not more than the following three weeks, if the individual's unemployment is due solely to a customary suspension of all operations, except maintenance work, at the factory, plant or other premises at which the individual was last employed, which will not occur more than once in a calendar year and will not exceed four consecutive weeks' duration, and the employment will again be available to the individual on resumption of operations. For the purposes of this paragraph:
- (a) "Customary suspension" means a suspension that has occurred for the same or similar reasons in each of three consecutive years or more, including the year in question, regardless of whether the suspension in any previous year would have satisfied the requirements of this paragraph. A suspension provided for by an agreement to which the employer is a party

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 shall be considered customary unless the agreement specifies the exact time, duration, type and circumstances of the suspension. Any suspension whose details are determined by the employer shall be considered customary, regardless of the employer's ultimate reason for imposing it, as long as the employer's reason or reasons are the same or similar over the necessary period.

- (b) "Factory, plant or other premises" means any location or premises or portion of locations or premises of the employer where the work or operations are separate and distinct from those at other locations or premises or portions of locations or premises, regardless of geographic proximity or functional, geographic or administrative integration of the work or operations.
- (c) "Maintenance work" has its usual meaning and includes any administrative, executive, clerical or supervisory work or any other work necessary to keep the factory, plant or other premises in a position to resume full operations promptly at the end of the suspension or necessary to pay, supervise or otherwise support individuals performing such work.
 - 5. For any week in which the individual is incarcerated.
 - Sec. 2. Section 28-2409, Arizona Revised Statutes, is amended to read: 28-2409. <u>International symbol of access special plates: placard: definitions</u>
- A. The department shall issue special plates bearing the international symbol of access to either:
- $1.\,\,$ A person who is permanently physically disabled and who is an owner or lessee of a motor vehicle.
- 2. An organization that owns or leases a motor vehicle that primarily transports physically disabled persons.
- B. A permanently disabled special plate issued under this section is valid for as long as the person to whom the plate is issued qualifies for issuance under this section.
- C. A person who is permanently physically disabled may obtain, if qualified, a permanently disabled removable windshield placard. A person who is temporarily physically disabled may obtain, if qualified, a temporarily disabled removable windshield placard. An organization that primarily transports physically disabled persons may obtain, if qualified, a placard for each of the qualified vehicles. The department shall issue only one valid placard to a temporarily or permanently physically disabled applicant, except to replace a lost, stolen or mutilated placard or if the department determines, on receiving the applicant's written request, that the needs of the applicant are such that two valid placards are required. The department shall issue a placard pursuant to this section at no additional charge.
- D. A permanently disabled removable windshield placard issued or renewed under this section is valid for five years. A temporarily disabled removable windshield placard issued or renewed under this section is valid for a period of time as determined by the department. A person who desires

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to obtain a temporarily disabled removable windshield placard for an additional period of time shall submit a new application.

- E. A person or organization that desires to obtain a permanently disabled or temporarily disabled removable windshield placard or international symbol of access special plates shall submit an application to the department on a form furnished by the department that contains one of the following:
- 1. If a permanently or temporarily disabled person, a MEDICAL certificate completed by a hospital administrator, an authorized physician or a registered nurse practitioner that certifies that the applicant is physically disabled.
- 2. IF A DISABLED PERSON WHO IS A VETERAN AND WHO IS ONE HUNDRED PER CENT DISABLED, A COPY OF THE PERSON'S CERTIFICATE OF ONE HUNDRED PER CENT DISABILITY ISSUED BY THE UNITED STATES VETERANS ADMINISTRATION.
- $\frac{2}{3}$. If an organization, a signed statement by an authorized officer of the organization affirming that the registered vehicle that is owned or leased by the organization and that will display the placard or the international symbol of access special plates primarily transports physically disabled persons.
- F. On receipt of the application containing the medical certificate, THE CERTIFICATE OF ONE HUNDRED PER CENT DISABILITY ISSUED BY THE UNITED STATES VETERANS ADMINISTRATION or signed statement, if the department finds that the applicant qualifies for the parking privileges pursuant to chapter 3, article 14 of this title, the department shall issue the placard or international symbol of access special plates.
- G. A person or an organization desiring to renew a permanently disabled removable windshield placard shall submit an application to the department containing one of the following:
- 1. If a permanently disabled person, a signed statement by the person that is witnessed by a department agent or notary public, that requests the renewal of the placard and that affirms that the person is physically disabled.
- 2. If an organization, a signed statement by an authorized officer of the organization affirming that the registered vehicle that is owned or leased by the organization and that will display the placard primarily transports physically disabled persons.
- H. The placard or international symbol of access special plates shall be displayed on or in the motor vehicle in the manner prescribed by the department.
- I. A request for special plates issued under this section may be combined with a request for an honored military license plate issued under article 13 of this chapter or any other special plate. The department shall prescribe the form for the request. The request is subject to payment of only the fee required for the honored military license plate or other special plate and is not subject to any other special plate fee under section

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28-2402. An international symbol of access special plate that is combined with an honored military license plate or any other special plate is not a personalized special plate under section 28-2406.

- J. For the purposes of this section:
- 1. "Authorized physician" means a doctor of medicine, osteopathy, podiatry or chiropractic licensed to practice medicine in this state or another state or authorized by the United States government to practice medicine.
- 2. "Permanently disabled removable windshield placard" means a two-sided, hooked placard that includes on each side all of the following:
- (a) The international symbol of access that is at least three inches in height, that is centered on the placard and that is white on a blue shield.
 - (b) An identification number.
 - (c) An expiration date.
 - (d) The seal or other identification of the issuing authority.
- 3. "Physically disabled person" means a person who, as determined by a hospital administrator or authorized physician, meets any of the following conditions:
 - (a) Cannot walk two hundred feet without stopping to rest.
- (b) Cannot walk without the use of or assistance from any brace, cane, crutch, other person, prosthetic device, wheelchair or other assistive device.
- (c) Is restricted by lung disease to such an extent that the person's forced respiratory, expiratory volume for one second, if measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/Hg on room air at rest.
 - (d) Uses portable oxygen.
- (e) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American heart association.
- (f) Is severely limited in the person's ability to walk due to an arthritic, neurological or orthopedic condition.
- 4. "Temporarily disabled removable windshield placard" means a two-sided, hooked placard that includes on each side all of the following:
- (a) The international symbol of access that is at least three inches in height, that is centered on the placard and that is white on a red shield.
 - (b) An identification number.
 - (c) A date of expiration.
 - (d) The seal or other identification of the issuing authority.
- Sec. 3. Section 41-608.04, Arizona Revised Statutes, is amended to read:
 - 41-608.04. Military family relief fund: advisory committee
- A. The military family relief fund is established through December 31, $\frac{2013}{2018}$ 2018. The fund consists of private donations, grants, bequests and any

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other monies received for that purpose. The department shall administer the fund. On notice from the director, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund. The monies in the fund are continuously appropriated to the department solely for the purposes described in this section. Any monies remaining unexpended and unencumbered on December 31, $\frac{2013}{2018}$ 2018 shall be transferred for deposit in the veterans' donations fund established by section 41-608.

- B. The military family relief advisory committee is established to determine appropriate uses of the monies in the military family relief fund as provided by this section. The advisory committee consists of the director or the director's designee and twelve additional members, including widows and widowers of military personnel who died in the line of duty, military retirees, veterans who have a service-connected disability and their family members, Arizona army and air national guard unit commanders and active and retired senior enlisted military personnel. Except for the director, the governor shall appoint the members based on recommendations by the director, the adjutant general and commanders of military bases in this state. Appointed members serve at the pleasure of the governor. The advisory committee shall elect a chairperson from among the appointed members.
 - C. The advisory committee shall:
 - 1. Establish criteria for the use of monies in the fund.
- 2. Establish and revise as necessary the application process for financial assistance.
 - 3. Review and evaluate applications.
 - 4. Make other recommendations as necessary.
- D. The advisory committee may establish a subcommittee, consisting of not more than five members of the full committee, to recommend approval of a grant to an applicant of not more than three thousand dollars.
- E. Notwithstanding section 38-431.03, the subcommittee may meet in executive session without advance notice. The full advisory committee may meet in executive session, with notice pursuant to section 38-431.02, to review and evaluate applications or review recommendations of the subcommittee. Applications for financial assistance and all committee considerations and evaluations of the applications are confidential.
- F. The monies in the fund shall be used to provide financial assistance pursuant to this subsection. The service member of an applying family must have been deceased, wounded or injured or become seriously ill after September 11, 2001, been deployed from a military base in this state or entered active United States military service from this state after September 711, 2001, claimed this state as the service member's home of record or been a member of the Arizona national guard at the time of deployment. If discharged from military service, the service member must have been discharged under honorable conditions. The assistance shall be

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based on financial need up to ten thousand dollars per family. Eligible assistance is as follows:

- 1. Widows, widowers or dependent children of service members who died in the line of duty in a combat zone or a zone where the person was receiving hazardous duty pay may apply for a stipend for living expenses for up to six months. For the purposes of the stipend, qualifying living expenses are residential mortgage, rent and utility payments and other basic living expenses. Payments with respect to any deceased person under this paragraph are limited to a total of ten thousand dollars.
- 2. An immediate family member may apply for payment of costs of temporary residence near the medical facility where the service member or former service member is being treated, including living, travel and housing expenses. Payments may be payable in monthly installments as long as the person is hospitalized or receiving medical care or rehabilitation services as authorized by military or veterans' medical personnel.
- 3. An immediate family member, service member or former service member may apply for:
 - (a) Living expenses.
- (b) Other appropriate expenses as determined by the military family relief advisory committee.
- G. The director may allocate up to five per cent of the donations received for administering the fund and the financial assistance program under this section including the hiring of an employee to process applications and provide support to the committee. The department shall provide reasonable office space and other necessary resources for the employee.
- H. The director shall receive private donations for deposit in the fund and issue receipts to the donors. Private donations may qualify for the purposes of income tax credits under section 43-1086. The director may receive donations in any amount, but donations that qualify for tax credits are subject to the limits prescribed by section 43-1086. Donations to the fund that otherwise qualify under the tax credit limits prescribed by section 43-1086 but that exceed a combined total of one million dollars in any calendar year, on a first come first served basis, do not qualify for the income tax credits. The director shall provide the taxpayer a donation receipt, which shall include the taxpayer's full name and address, the last four digits of the taxpayer's social security number and the amount of the donation. The director shall designate on the donation receipt whether the donation qualifies under the limits prescribed by this subsection and section 43-1086. The director shall send a record of receipts that qualify under this subsection to the department of revenue.
- I. On or before March 31 of each year, the director shall provide for an audit by an independent certified public accountant of the fund and of the aggregate amount authorized by the director for income tax credits under subsection H of this section. The director shall promptly submit a certified

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 copy of the audit to the auditor general. The auditor general may make further audits and examinations as necessary and may take appropriate action relating to the audit or examination pursuant to chapter 7, article 10.1 of this title. If the auditor general does not take further action within thirty days after the audit is filed, the audit is considered to be sufficient. The director shall pay the costs of the certified public accountant and the auditor general from the administration allocation under subsection G of this section.

Sec. 4. Title 41, chapter 3, article 7, Arizona Revised Statutes, is amended by adding section 41-609, to read:

41-609. <u>Arizona veteran supportive campuses: department list:</u> reports: definition

- A. A POSTSECONDARY INSTITUTION MAY REQUEST TO BE CERTIFIED BY THE DIRECTOR AS AN ARIZONA VETERANS SUPPORTIVE CAMPUS. THE DEPARTMENT MAY MAINTAIN A LIST OF CERTIFIED ARIZONA VETERANS SUPPORTIVE CAMPUSES ON THE DEPARTMENT'S WEBSITE. THE LIST SHALL INCLUDE:
 - 1. A LINK TO THE WEBSITE OF THE CAMPUS.
- 2. A STATEMENT THAT THIS LIST DOES NOT CONTAIN ALL POSTSECONDARY INSTITUTIONS THAT MAY QUALIFY AS AN ARIZONA VETERAN SUPPORTIVE CAMPUS.
- 3. A DISCLAIMER THAT THE DEPARTMENT HAS NOT VERIFIED THE INFORMATION ON THE WEBSITES OF THE CAMPUSES LISTED PURSUANT TO PARAGRAPH 1 OF THIS SUBSECTION AND THAT THE DEPARTMENT DOES NOT ENDORSE ANY OFFER MADE BY ANY SPONSOR OF THE WEBSITE.
- B. THE DEPARTMENT MAY MAKE A REASONABLE EFFORT TO NOTIFY POSTSECONDARY INSTITUTIONS AND ANY OTHER APPROPRIATE ENTITIES OF THE OPPORTUNITY TO BE CERTIFIED AS AN ARIZONA VETERAN SUPPORTIVE CAMPUS.
- C. ON OR BEFORE DECEMBER 31 AND JUNE 30 OF EACH YEAR, EACH ARIZONA VETERAN SUPPORTIVE CAMPUS SHALL FORWARD A REPORT TO THE DEPARTMENT ON THE NUMBER OF VETERANS ENROLLED IN ITS CAMPUS.
- D. FOR THE PURPOSES OF THIS SECTION, "ARIZONA VETERAN SUPPORTIVE CAMPUS" MEANS A POSTSECONDARY INSTITUTION THAT OFFERS:
- 1. A CAMPUS SURVEY OF STUDENT VETERANS TO IDENTIFY THE NEEDS, ISSUES AND SUGGESTIONS OF VETERANS.
- 2. A CAMPUS STEERING COMMITTEE CONSISTING OF STUDENT VETERANS, FACULTY AND STAFF TO SHARE INFORMATION AND TO DEVELOP PROGRAMS TO ESTABLISH OR STRENGTHEN A VETERAN SUPPORTIVE CAMPUS BASED ON BEST PRACTICES BUT THAT ALSO INTEGRATES THE CAMPUS CULTURE AND IDENTIFIES THE REAL NEEDS OF THE STUDENT VETERANS.
- 3. SENSITIVITY AND AWARENESS TRAINING ON MILITARY AND VETERANS' CULTURE, INCLUDING RELATED ISSUES SUCH AS TRAUMATIC BRAIN INJURY, POSTTRAUMATIC STRESS DISORDER, PHYSICAL AND MENTAL DISABILITIES, SUICIDE AND HYPER-VIGILANCE FOR FACULTY AND STAFF.

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- 4. STUDENT VETERAN ORIENTATION PROGRAMS, INCLUDING STUDENT VETERAN GUIDES FOR THE FIRST DAY ON CAMPUS, AN OPTIONAL STUDENT VETERAN ORIENTATION SESSION AND AT LEAST ONE OPTIONAL VETERAN ONLY COURSE TAUGHT BY A VETERAN OR BY A TRAINED VOLUNTEER ON VETERAN ISSUES.
 - 5. PEER MENTORING AND PEER SUPPORT PROGRAMS FOR STUDENT VETERANS.
 - 6. OUTREACH STRATEGIES TO LOCAL MILITARY BASES.
- 7. ONE-STOP RESOURCE AND STUDY CENTERS ON CAMPUS FOR STUDENT VETERANS, THEIR FAMILIES AND STUDENT FAMILY MEMBERS OF THE ARMED FORCES WHO ARE CURRENTLY DEPLOYED.
- 8. COMMUNITY-BASED COLLABORATIONS TO ALLOW THE PRIVATE SECTOR TO SUPPORT VETERAN RESOURCE CENTERS THROUGH FINANCIAL AND IN-KIND GIFTS.
 - Sec. 5. Section 41-611, Arizona Revised Statutes, is amended to read: 41-611. Veterans deferment of tuition payment, required books and materials; period; promissory note
- A. On registration at a state supported community college, college or university, any person who is eligible for and has applied for benefits for education under the Montgomery GI bill (38 United States Code chapter 30 or 32; 10 United States Code chapter 1606) AVAILABLE TO VETERANS OF THE UNITED STATES ARMED FORCES UNDER FEDERAL LAW may apply for a deferment of payment of tuition, fees and required books and materials for a period not to exceed one hundred twenty days. The community college, college or university shall defer payment for that period on receipt of a signed and acknowledged promissory note for the amount of the tuition, fees and required books and materials, with no interest charge, that is due and payable at the end of the deferral period. This deferment is available during any registration in which a veteran is awaiting Montgomery GI bill benefits EDUCATION BENEFITS AVAILABLE TO VETERANS OF THE UNITED STATES ARMED FORCES UNDER FEDERAL LAW.
- B. If at the end of the deferral period the person has not yet received from the veterans administration the initial benefit monies for tuition and fees, the person may be granted an extension until such time as the benefits are received.
- C. In situations where deferred payments are granted, the community college, college or university shall not release the person's grades or transfer credits until such time as the debt is satisfied.
 - Sec. 6. Laws 2010, chapter 254, section 2 is amended to read:
 - Sec. 2. Military family relief fund; grant awards

Notwithstanding section 41-608.04, Arizona Revised Statutes, and through December 31, $\frac{2011}{2012}$, the military family relief fund advisory committee may:

- 1. Use monies in the military family relief fund to provide financial assistance to an applying family if the service member of the family was deployed to a combat zone after September 11, 2001.
- 2. Award up to twenty thousand dollars to an applying family if $\frac{\text{every}}{\text{member}}$ TWO-THIRDS OF THE MEMBERS of the committee agrees to recommend approval of the grant at a meeting of the entire committee.

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Sec. 7. <u>Department of administration; report on veteran-owned businesses and state contracts; definition</u>

- A. The department of administration shall examine the awarding of state contracts involving the procurement of materials, services or construction or the disposal of materials to veteran-owned businesses, and, for fiscal year 2011-2012, shall determine the following:
- 1. The number of veteran-owned businesses that are eligible for those contracts.
 - 2. The number of veteran-owned businesses that bid on those contracts.
 - 3. The number of those contracts awarded to veteran-owned businesses.
- B. The department shall report its findings to the speaker of the house of representatives and the president of the senate on or before October 1, 2012.
- C. For the purposes of this section, "veteran-owned business" means a business concern where all of the following apply:
- 1. The business is an individual proprietorship, limited liability company, partnership, corporation or joint venture that is at least fifty-one per cent owned by one or more veterans or, in the case of any business whose stock is publicly held, where at least fifty-one per cent of the stock is owned by one or more veterans.
- 2. The management and daily operations of the business are controlled by one or more veterans who own the business.
- 3. The home office of the business is located in this state and is not a branch or subsidiary of a foreign corporation, firm or other business.

Sec. 8. Emergency

This act is an emergency measure that is necessary to preserve the public peace, health or safety and is operative immediately as provided by law.

APPROVED BY THE GOVERNOR APRIL 28, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2011.

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Passed the House Cpril	Passed the Senate
by the following vote:59Ayes,	by the following vote: 23 Ayes,
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Governor of Arizona	EXECUTIVE DEPARTMENT OF ARIZONA
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S.B. 1373	this day of, 20,
	at o'clock M.

Secretary of State

Secretary of the Senate
EXECUTIVE DEPARTMENT OF ARIZONA OFFICE OF GOVERNOR
This Bill received by the Governor this
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Governor of Arizona EXECUTIVE DEPARTMENT OF ARIZONA OFFICE OF SECRETARY OF STATE
this 28th day of April , 20 1
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